

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 3 1934 NUMBER 84

Washington, Friday, April 29, 1938

PRESIDENT OF THE UNITED STATES.

CHANNEL ISLANDS NATIONAL MONUMENT—CALIFORNIA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain public islands lying off the coast of Southern California contain fossils of Pleistocene elephants and ancient trees, and furnish noteworthy examples of ancient volcanism, deposition, and active sea erosion, and have situated thereon various other objects of geological and scientific interest; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument, to be known as the Channel Islands National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in California are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Channel Islands National Monument:

All of that part of the Anacapa Island Lighthouse Reservation, a group of three islets known as Anacapa Island, approximate area 700 acres, reserved by Executive Order of September 11, 1854, except the following described parcels of land:

Parcel I. All of the land comprising the east islet of the group lying eastward of West Longitude 119°22'38" (North American Datum 1927) comprising 106.88 acres more or less.

Parcel II. All of the land comprising the middle islet lying between West Longitude 119°23'21" and 119°23'30" and south of Latitude 34°00'14" North comprising 7.68 acres more or less.

Parcel III. All of the land comprising the west islet lying westward of West Longitude 119°26'10" comprising 46.72 acres more or less.

Parcel IV. The entire area of Cat Rock, which lies off the southern extremity of the west islet comprising .5 acre more or less.

The area reserved for the national monument on Anacapa Island contains 538.22 acres more or less.

All of Santa Barbara Island, area 638.72 acres, reserved for lighthouse purposes by Executive Order of August 24, 1905, excepting the following-described parcels of land:

Parcel I. Beginning at a point in the high water line at the northwesterly side of the island which bears 258° 50' true azimuth from north, a distance of 525 feet more or less from the center of Santa Barbara Island North End Light tower; thence 110° true azimuth from north a distance of 1000 feet more or less to the inter-

section with the high water line at the northeasterly side of the island; thence along the high water line around the northerly point of the island to the point of beginning comprising 16 acres more or less.

Parcel II. Beginning at a point in the high water line at the southwesterly side of the island which bears 223° true azimuth from north a distance of 300 feet more or less from the center of Santa Barbara Island South End Light tower; thence 90° true azimuth from north a distance of 800 feet to a point; thence 330°30' true azimuth from north a distance of 2150 feet to a point; thence 270° true azimuth from north a distance of 800 feet more or less to the intersection with the high water line at the westerly side of the island; thence southerly along the high water line to the point of beginning comprising 40.96 acres more or less.

The area reserved for the national monument on Santa Barbara Island contains 581.76 acres more or less.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the withdrawal made by Executive Orders of September 11, 1854, January 26, 1867, and August 24, 1905. However, the lands excepted in the above descriptions shall remain under the jurisdiction of the Bureau of Lighthouses of the Department of Commerce, as provided by the Executive orders referred to. The Bureau of Lighthouses of the Department of Commerce shall have the right of ingress and egress as to any part of Santa Barbara Island for the purpose of transporting all necessary equipment for servicing the established lights.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26 day of April in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES,

Acting Secretary of State.

[No. 2281]

[F. R. Doc. 38-1210; Filed, April 28, 1938; 11:16 a. m.]



FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

TABLE OF CONTENTS

Commodity Credit Corporation:	Page
Issuance, transactions and operations in securities of.....	986
Department of Agriculture:	
Agricultural Adjustment Administration:	
Agricultural conservation program bulletin, 1938, Supplement No. 8.....	984
Milk, notice of hearing on agreement and order regulating the handling of, Toledo, Ohio, Marketing Area.....	984
Bureau of Entomology and Plant Quarantine:	
District of Columbia, movement of plants and plant products into and out of.....	984
Federal Trade Commission:	
Master Lock Co., complaint and notice of hearing, etc., in the matter of.....	987
Orders appointing examiners, etc., in the matter of: Bregstone, Charles M., trading as The Veltrola Co.....	991
Bregstone, John Milton, trading as J. M. Bregstone and Co.....	991
Davis, Roy B., trading as Great Lakes Novelty Co., etc.....	991
Harris, Edward and Dorothy, trading as Ace Business Builders.....	989
Herschner, Fred W., Jr., trading as 20th Century Sales Co.....	990
Mendels, Hyman, trading as J. J. Henderson.....	990
Merrill Candy Co.....	989
Mutual Printing Co., etc.....	989
Robertson, J. C., trading as Novelty Distributing Co.....	989
Sarasin, Cella, trading as Universal Advertisers' Service.....	991
Slaton, Martin M., trading as Allied Gift Shop.....	990
Weitzman, Sidney A., trading as Certified Sales Service.....	990
President of the United States:	
Proclamation:	
Channel Islands National Monument, Calif., reservation.....	981
Securities and Exchange Commission:	
Orders granting applications to strike from listing and registration in the matter of:	
Cusi Mexicana Mining Co., common stock, par value fifty cents.....	993

TABLE OF CONTENTS—Continued

Securities and Exchange Commission—Continued.	Page
Orders granting applications, etc.—Continued.	
Duluth, South Shore and Atlantic Railway Co., preferred and common stock, \$100 par value.....	993
Fairbanks Co., common stock, \$25 par value.....	993
Ferrocarriles Nacionales De Mexico (National Railways of Mexico) 4% first and 5% second non-cumulative preferred stock, \$100 par value.....	993
Lehigh Valley Coal Co., 5-year secured 6% notes, due January 1, 1938.....	993
Minneapolis-Moline Power Implement Co., convertible \$6.50 cumulative preferred and common stock.....	994
New York Steam Corp., \$7.00 Series "A" and \$6.00 dividend series cumulative preferred stock, no par value.....	994
Nicholas-Beazley Airplane Co., Inc., common stock, \$5 par value.....	994
Rutland Railroad Co., and Rutland-Canadian Railroad Co., 4½% and 4% gold bonds.....	994
Stutz Motor Car Co., of America, Inc., capital stock, no par value.....	995
Public Utilities Holding Company Act of 1935, adoption of rule on applications for approval of investment programs for current funds of registered holding companies or subsidiaries.....	992
The Panama Canal:	
Cash relief for disabled employees, rules governing.....	995
War Department:	
Ouachita River, Ark.-La., modification of regulations on use, etc., of.....	983
Portsmouth Harbor, N. H.-Isle of Shoals area, regulations for use, etc., of.....	983
Revocation of regulations for:	
Cascades Canal, Columbia River.....	983
Lewis and Clark River lower drawbridge, Oreg.....	983
Strongs Causeway Bridge, Flushing Creek, New York City.....	982
Washington Southern Railway Bridge, Powells and Neabsco Creeks, Va.....	983

WAR DEPARTMENT.

REVOCATION OF REGULATIONS FOR STRONGS CAUSEWAY BRIDGE ACROSS FLUSHING CREEK, NEW YORK CITY

APRIL 8, 1938.

1. On August 15, 1922, the Assistant Secretary of War approved rules and regulations to require the prompt opening of the draw span of Strongs Causeway Bridge over Flushing Creek on the line of Rodman Street in the Borough of Queens, New York, New York.

2. The Department of Parks of the City of New York, in conformity with existing law and upon plans approved by the Department has recently constructed a dam and tide gate across Flushing Creek downstream from the Strongs Causeway Bridge. As a consequence there is no navigation above the dam requiring the prompt opening of the bridge and I recommend that the regulations mentioned in paragraph 1 be revoked.

J. L. SCHLEY,
Major General,
Chief of Engineers.

Recommendation approved April 14, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1204; Filed, April 28, 1938; 9:39 a. m.]

REVOCATION OF RULES AND REGULATIONS TO GOVERN THE USE,
ADMINISTRATION AND NAVIGATION OF CASCADES CANAL, COLUMBIA RIVER

APRIL 11, 1938.

1. On April 11, 1896, the Secretary of War established rules and regulations to govern the use, administration and navigation of Cascades Canal, Columbia River.

2. Under existing law a dam was constructed on the Columbia River at Booneville, Oregon, about 144 miles above the mouth, which is now flooding the Cascades Canal lock, the gates of which have been fastened in open position. The lock will soon be abandoned and the regulations prescribed in 1896 for its operation are no longer necessary. I recommend, therefore, that they be revoked.

M. C. TYLER,
Brigadier General,
Acting Chief of Engineers.

Recommendation approved, April 14, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1205; Filed, April 28, 1938; 9:39 a. m.]

REVOCATION OF REGULATIONS TO GOVERN THE OPERATION OF THE
WASHINGTON SOUTHERN RAILWAY BRIDGE ACROSS POWELLS
AND NEABSCO CREEKS, VA.

APRIL 12, 1938.

On August 18, 1906, the Acting Secretary of War prescribed regulations to govern the operation of the draws of the Washington Southern Railway bridges across Powells and Neabscos Creeks, Virginia, (E. D. 49323/32). These bridges have since been replaced by fixed span high-level bridges and I recommend that the regulations be revoked.

JOHN J. KINGMAN,
Brig. Gen., Corps of Engineers,
Acting Chief of Engineers.

Recommendation approved April 14, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. H. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1207; Filed, April 28, 1938; 9:40 a. m.]

REVOCATION OF RULES AND REGULATIONS TO GOVERN THE
OPERATION OF THE LOWER DRAWBRIDGE ACROSS LEWIS AND
CLARK RIVER, OREGON

APRIL 11, 1938.

1. On January 27, 1904, the Assistant Secretary of War prescribed rules and regulations to govern the operation of the lower drawbridge across the Lewis and Clark River, Clatsop County, Oregon. This bridge has since been removed and I recommend that the regulations be revoked.

M. C. TYLER,
Brigadier General,
Acting Chief of Engineers.

Recommendation approved April 14, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1208; Filed, April 28, 1938; 9:41 a. m.]

MODIFICATION OF REGULATIONS GOVERNING THE USE, ADMINISTRATION AND NAVIGATION OF OUACHITA RIVER, ARKANSAS AND LOUISIANA

Paragraph 5 "Lockages of pleasure, house and like boats" of the regulations approved by the Secretary of War on August 15, 1913 (E. D. 8033/476), to govern the use, administration and navigation of the Ouachita River, Arkansas and Louisiana, is modified to read as follows:

"5. Lockages of pleasure, house and like boats.—Pleasure boats, house boats, and other craft not employed for business purposes will be specially locked through only at the end of each hour, and not between sundown and sunup, except in cases of emergency, but whenever a lockage is made for a business boat other craft may likewise pass through if there is room for them in the lock.

"The officer in charge of a lock shall be the judge as to whether the boat presenting itself for lockage is a business or pleasure boat."

Approved April 14, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1209; Filed, April 28, 1938; 9:41 a. m.]

REGULATIONS TO GOVERN THE USE, ADMINISTRATION AND NAVIGATION OF THE AREA BETWEEN PORTSMOUTH HARBOR, N. H., AND THE ISLE OF SHOALS

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

That section four of the River and Harbor Act of August eighteenth, eighteen hundred and ninety-four, as amended by section eleven of the River and Harbor Act of June thirteenth, nineteen hundred and two, be, and is hereby, amended so as to read as follows:

Sec. 4. That it shall be the duty of the Secretary of War to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

THE REGULATIONS

In conformity with the above law the following regulations are prescribed to govern the use, administration and navigation of the area within a thousand yard radius of a point in the State of New Hampshire lying westerly from Isle of Shoals, bearing 273° true from White Island Light, distance 6600 yards, for a period of two (2) months from June 1, 1938, to July 31, 1938, inclusive, for the performance of certain tests involving the use of explosives.

1. A notice giving a description of the area and warning the public to avoid entering it during the progress of experiments shall be published by the Hydrographic Office in each issue of the Notice to Mariners, the weekly Hydrographic Bulletin, the Daily Memorandum, and Radio Broadcasts, during the two (2) months' period from June 1, 1938 to July 31, 1938, inclusive.

2. The presence, in the vicinity, of a vessel of the United States Navy bearing a red pennant as a danger signal, shall be deemed to be sufficient evidence that the tests are in progress and notice to all persons to avoid the area.

3. It shall be the duty of the United States Navy Department to maintain in the vicinity during the actual progress of the tests a suitable vessel bearing a red pennant as a danger signal and to warn away all intruders for the purpose of avoiding injury to persons or property.

4. For the purpose of enforcing the vacating of the above described area by any person or persons at such times within the above two (2) months' period, during which tests are actually in progress the penalties specified in Section 4 of the above mentioned River and Harbor Act of August 8, 1917, shall be applicable against any person or corporation which shall refuse after due warning to vacate the area.

Approved April 15, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-1206; Filed, April 28, 1938; 9:39 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-72 O-72]

NOTICE OF PUBLIC HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA.

PREPARED AND PROPOSED BY THE NORTHWEST COOPERATIVE SALES ASSOCIATION AND UPON WHICH SAID ASSOCIATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas, the Northwest Cooperative Sales Association has requested the Secretary to hold a public hearing on a marketing agreement and order, prepared and proposed by such association and designed to regulate such handling of milk in the Toledo, Ohio marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Toledo, Ohio marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended,¹ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice;

Now, therefore, pursuant to said act and said General Regulations, notice is hereby given of a public hearing to be held at the Hotel Waldorf, 310 Summit Street, Toledo, Ohio, on May 10, 1938, at 9:30 a. m., e. s. t., on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned association and designed to regulate such handling of milk in the Toledo, Ohio marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Toledo, Ohio marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate

commerce in such milk are so disorderly as to necessitate regulation in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement or order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of individual handler pools, (f) deductions from payments to producers for marketing services by the market administrator, and (g) expenses of administration.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement or order may be inspected in or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated April 28, 1938.

[F. R. Doc. 38-1212; Filed, April 28, 1938; 11:41 a. m.]

[ACP-1938-10]

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 8

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended February 19, 1938,¹ is hereby further amended as follows:

Subsection B of Section I is hereby amended by the addition of the following:

"4. The State acreage allotments of rice are as follows:

Arkansas.....	155,728 acres.
California.....	105,094 acres.
Louisiana.....	421,396 acres.
Missouri.....	510 acres.
Texas.....	167,272 acres.
Total.....	850,000 acres."

Done at Washington, D. C., this 28th day of April, 1938.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1211; Filed, April 28, 1938; 11:41 a. m.]

Bureau of Entomology and Plant Quarantine.

[B. E. P. Q.—D. C. Regs.]

REVISED RULES AND REGULATIONS GOVERNING THE MOVEMENT OF PLANTS AND PLANT PRODUCTS INTO AND OUT OF THE DISTRICT OF COLUMBIA

Introductory Note

The supply of the last revised edition of the plant regulations relating to the District of Columbia having become exhausted, advantage is taken of the necessity for a reprint, of simplifying the form and wording of the regulations without material change in shipping requirements. The definition of nursery stock as stated in paragraph (a) of regulation 1 is clarified. The list of domestic plant quarantines formerly published in the appendix is eliminated, since up-to-date copies of such quarantines are always available from this Bureau.

¹ 1 F. R. 155.

¹ 3 F. R. 563 (DI).

SUMMARY

Shipments Into the District of Columbia

Woody plants and foreign seeds.—A valid nursery-inspection certificate of the State, Territory, or country of origin must be attached to the outside of each container of woody plants or parts thereof capable of propagation (except domestic-grown seeds and fruit pits), shipped into the District of Columbia, and the container must be marked to show the nature of the contents. Such certification and marking are also required for foreign-grown seeds of woody plants, of palms, of *Vicia* (vetch, etc.), and of *Lathyrus* (sweet peas, etc.).

Herbaceous plants.—The container of each shipment of herbaceous perennials (including strawberry plants), bulbs, and roots, consigned to the District of Columbia must be marked to show the nature of the contents. (Herbaceous plants from foreign countries must meet the certification and marking requirements of Federal plant quarantine No. 37.)

Shipments Out of the District of Columbia

A certificate or permit issued by the Bureau of Entomology and Plant Quarantine must be attached to the outside of each shipment of woody or herbaceous plants, bulbs, roots, foreign-grown seeds of woody plants, of palms, of *Vicia* (vetch, etc.), and of *Lathyrus* (sweet peas, etc.) consigned from the District of Columbia to points outside. Each shipment is also subject to the restrictions of any Federal plant quarantine or order applicable thereto. To arrange for inspection, apply at the Plant Inspection House of this Bureau, Twelfth Street and Constitution Avenue NW. (District 6350, branch 4495), Washington, D. C.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology
and Plant Quarantine.

REVISED RULES AND REGULATIONS

[Approved April 27, 1938; effective April 30, 1938]

I, H. A. Wallace, Secretary of Agriculture, as required by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, do order that no plants or plant products shall be moved into or out of the District of Columbia except in compliance with the rules and regulations supplemental hereto which are hereby promulgated: *Provided*, That certain plants or plant products may be exempted from these rules and regulations by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of dangerous plant pests.

Regulation 1.—Definitions

For the purpose of these regulations, the following words, names, and terms shall be construed, respectively, to mean:

(a) **Nursery stock.**—All trees, shrubs, and plants having a persistent woody stem, and parts thereof capable of propagation, except fruit pits and seeds, provided that foreign-grown seeds of woody plants, of palms, of *Vicia* (vetch, etc.), and of *Lathyrus* (sweet peas, etc.), are defined as nursery stock.

(b) **Herbaceous perennial plants, bulbs, and roots.**—Plants whose roots persist 2 or more years but which lack persistent woody stems above the ground. This term includes fibrous-rotted perennials, such as strawberry plants and phlox; bulbs, such as narcissus and crocus; corms, such as gladiolus; tubers, such as dahlia; fleshy roots, such as peony; rhizomes, such as iris; and such greenhouse-grown plants as ferns, geraniums, orchids, etc.

(c) **Annual plants.**—Plants grown from seed for bloom or food the same season and living only 1 year. This term includes such plants as cabbage, tomato, and aster.

(d) **Inspector.**—Plant quarantine inspector of the United States Department of Agriculture.

(e) **Moved.**—Offered for movement to or received for transportation by a common carrier or moved by any means whatever into or out of the District of Columbia.

(f) **Certificate.**—A certificate showing that the nursery or premises from which the plants or plant products were taken were inspected within 1 year prior to the date of shipment and were found to be free from injurious insect pests and plant diseases, or that the plants or plant products were inspected prior to shipment and found to be free from injurious insect pests and plant diseases.

Regulation 2.—Unrestricted articles

No requirements as to certification or labeling are placed by these regulations¹ on the entry into or movement out of the District of Columbia of (1) annual plants, cut flowers, or decorative plant material (such as branches and Christmas trees); (2) seeds, except certain foreign-grown seeds as defined in paragraph (a) of regulation 1; nor of (3) other plants and plant products not included in the definitions in paragraphs (a) and (b) of regulation 1. The requirements as to delivery of plant materials are stated in paragraphs (c) and (d) of regulation 3.

SHIPMENTS INTO THE DISTRICT OF COLUMBIA

Regulation 3.—Requirements relating to nursery stock and other plants and plant products

(a) **Certification and marking of nursery stock.**—No nursery stock as defined in regulation 1 shall be moved into the District of Columbia unless a valid certificate signed by the State nursery or horticultural inspector of the State or Territory or country from which the stock is shipped is attached to the outside of each package or other container. Each package or other container shall in addition be plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.

(b) **Marking of herbaceous perennials, bulbs, or roots.**—No herbaceous perennial plants, bulbs, or roots, as defined in regulation 1, shall be moved into the District of Columbia unless the container thereof is plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.²

(c) **Delivery of plants and plant products.**—No nursery stock, herbaceous plants, bulbs, or roots, originating outside of the District of Columbia shall be delivered to the consignee in the District of Columbia by a common carrier or other person until such delivery is authorized by an inspector of the Bureau of Entomology and Plant Quarantine.

(d) All nursery stock and herbaceous perennial plants, bulbs, and roots, annual plants, decorative plant material, and other plants and plant products, whether restricted or unrestricted, addressed to the United States Department of Agriculture, Washington, D. C., shall be delivered only at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (Twelfth Street and Constitution Avenue NW.).

Regulation 4.—Shipments which fail to comply with regulations

Plants and plant products shipped into the District of Columbia, which are found to be infected or infested with any plant pest or disease, or which have not been moved in full compliance with these regulations, may be disposed of as authorized in the Plant Quarantine Act.

SHIPMENTS OUT OF THE DISTRICT OF COLUMBIA

Regulation 5.—Certification of Nursery Stock and Herbaceous Perennial Plants, Bulbs, and Roots

(a) No nursery stock, or herbaceous perennial plants, bulbs, or roots, as defined in regulation 1, shall be moved out of the District of Columbia unless a certificate or permit has been issued therefor by the Bureau of Entomology and Plant Quarantine. Each package or other container of such plants,

¹ Compliance with any special plant quarantine or restrictive order which may be applicable thereto is required. Information relative to such restrictions may be obtained from the Bureau of Entomology and Plant Quarantine.

² Herbaceous plants of foreign origin must be marked in accordance with the provisions of Federal Quarantine No. 37 (Nursery stock, plants, and seeds).

bulbs, or roots shall have such a certificate or permit attached to the outside thereof.

(b) A certificate or permit may be issued for the movement out of the District of Columbia of the nursery stock covered by this regulation, when it has been examined by an inspector and found apparently free from dangerous plant diseases and insects and when such shipment is found to comply in full with all Federal quarantine regulations.

(c) Nursery stock, herbaceous perennial plants, bulbs, or roots, to be shipped out of the District of Columbia must be presented at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (Twelfth Street and Constitution Avenue NW.) for inspection at the time of shipment unless otherwise authorized by an inspector.

When large shipments are contemplated, arrangements may be made for inspection at other places by telephoning District 6350, branch 4495, or writing the Bureau.

Application for inspection of articles the movement of which is restricted by quarantine regulations or other restrictive orders shall be made at a season of the year sufficiently in advance of the contemplated date of shipment to provide for compliance with regulations.

(d) No common carrier or other person shall accept for shipment or remove from the District of Columbia any nursery stock, herbaceous perennial plants, bulbs, or roots, unless the required certificate or permit has been issued and is securely attached to the outside of each container.

These revised rules and regulations shall be effective on and after April 30, 1938, and shall supersede the rules and regulations governing the movement of plants and plant products into and out of the District of Columbia, promulgated April 29, 1931.

Done at the city of Washington this 27 day of April 1938.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

APPENDIX

Penalties

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), provides that any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plants or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under this section, shall be punished, as is provided in section 10 of this act. Section 10 states that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

[F. R. Doc. 38-1188; Filed, April 27, 1938; 3:38 p. m.]

COMMODITY CREDIT CORPORATION.

REGULATIONS GOVERNING THE ISSUANCE OF, AND TRANSACTIONS AND OPERATIONS IN, COMMODITY CREDIT CORPORATION SECURITIES

Pursuant to the authority conferred upon the Commodity Credit Corporation by the Act approved March 8, 1938 (Public No. 442, 75th Congress), the following regulations governing Commodity Credit Corporation bonds, notes, debentures, and other similar obligations (hereinafter referred to as securities) are hereby promulgated.

1. *Authority for issue.*—Section 4 of the Act approved March 8, 1938 (Public No. 442, 75th Congress) reads, in part, as follows:

"With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time, bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding \$500,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations."

2. *Form of securities.*—The securities of the Corporation shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury, in the issuing circular for each particular series. The text of the securities of each particular series shall be prescribed by the Corporation, with the approval of the Secretary of the Treasury. The Corporation may from time to time issue interim certificates temporarily in lieu of definitive securities, in such form and in such manner as the Corporation, with the approval of the Secretary of the Treasury, may determine. The securities shall be executed in the name of the Commodity Credit Corporation and authenticated by the facsimile signature of its President. The seal of the Corporation shall be affixed, attested by the Secretary of the Commodity Credit Corporation by facsimile signature. The principal and interest shall be payable, when due, at the Treasury Department, Washington, D. C., or at any Federal Reserve bank, or at such other agency or agencies as the Secretary of the Treasury at the request of the Corporation may from time to time designate for that purpose. A coupon security shall be payable to bearer and shall have attached interest coupons likewise payable to bearer representing interest payable semi-annually, such coupons being signed by the Commodity Credit Corporation by facsimile signature of its President. A registered security and interest thereon shall be payable to the registered owner, whose name is inscribed thereon, or his or its registered assigns.

3. *Transactions and operations.*—The statutes of the United States and the general regulations of the United States Treasury Department, now or hereafter in force, governing the issue, transfer, exchange, purchase, redemption, payment, and retirement of United States Treasury bonds, the payment of interest thereon, and relief on account of the loss, theft, destruction, mutilation, or defacement thereof, so far as applicable, are hereby adopted as the regulations of the Commodity Credit Corporation for similar transactions and operations in securities of the Corporation.

4. *Administration.*—The United States Treasury Department will act as agent for the Commodity Credit Corporation in connection with the issue, transfer, exchange, purchase, redemption, payment, and retirement of securities of the Corporation, the payment of interest thereon, and the issue of duplicates, or payment, of lost, stolen, destroyed, mutilated, or defaced securities. The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered on behalf of the Commodity Credit Corporation, to administer the regulations governing such transactions and operations, to do all things necessary to conduct all such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. The Secretary, the Under Secretary, or any Assistant

Secretary of the Treasury is hereby authorized to waive any such regulations on behalf of the Commodity Credit Corporation at his discretion in any particular case where a similar regulation of the Treasury Department with respect to United States Treasury bonds or interest thereon would be waived.

5. *Amendments.*—The Commodity Credit Corporation reserves the right at any time or from time to time, with the approval of the Secretary of the Treasury, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations governing securities of the Corporation or interest thereon, or any transactions or operations therein.

Adopted by the Board of Directors of the Commodity Credit Corporation on April 23, 1938.

[SEAL]

SAMUEL H. SABIN, *Secretary.*

Approved April 27, 1938.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1189; Filed, April 27, 1938; 4:03 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

[Docket No. 3386]

IN THE MATTER OF MASTER LOCK COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the Master Lock Company, hereinafter called Respondent, since June 19, 1936, has been and is now violating the provisions of Section 2 (a) of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, (Public No. 212, the Clayton Act), as amended by Section 1 of the Act of Congress entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes," approved June 19, 1936, (Public No. 692, the Robinson-Patman Act), hereby issues this its complaint against respondent and states its charges with respect thereto as follows, to-wit:

PARAGRAPH 1. Respondent is a corporation organized and existing under the laws of the State of Wisconsin and has its principal office and place of business at 926 W. Juneau Avenue in the city of Milwaukee, Wisconsin.

PAR. 2. At all times since June 19, 1936, respondent has been and is now engaged in the business of manufacturing, selling and distributing padlocks. In the course and conduct of its said business, the respondent has been and is now manufacturing such locks at its place of business in the State of Wisconsin and has been and is now selling, shipping, and distributing such locks in commerce from its said place of business in the State of Wisconsin to various purchasers of said commodity located in the several states of the United States and in the District of Columbia. At all times since June 19, 1936, there has been and is now between respondent and purchasers of said commodity a course of trade and commerce in said commodity in and between the State of Wisconsin and the several other States of the United States and the District of Columbia.

PAR. 3. The said respondent in the course and conduct of its business as aforesaid has been and is now in direct active competition with other persons, partnerships and corporations similarly engaged in selling, shipping and distributing padlocks. Some of such other corporations are Yale & Towne Manufacturing Company of Stamford, Connecticut and The Corbin Co., Inc., American Steel & Wire Co., The

H. L. Judd Co. and Norwalk Lock Company, all located in New York, New York.

PAR. 4. Since June 19, 1936, in the course and conduct of its business described in Paragraph Two hereof and while engaged in trade and commerce between the State of Wisconsin and the other States of the United States and the District of Columbia, the respondent has been and is now discriminating in price between purchasers of said commodity of like grade and quality sold and shipped in commerce, as aforesaid, by respondent to said purchasers and by them purchased from respondent in commerce for resale within the several States of the United States and the District of Columbia in that the respondent has been and is now allowing to some of said purchasers a larger discount from uniform prices at which said commodity was and is sold to them by respondent than the discount which respondent has been and is now allowing to other purchasers competitively engaged with those receiving the larger discount; additionally, respondent, in the course of such commerce, has been and is now allowing to some of said purchasers an additional allowance of an amount equal to freight payments from factory to purchaser on such purchases and not granting such allowance to purchasers competing with those receiving such freight allowances.

PAR. 5. The said respondent, in the course and conduct of its business as aforesaid, has been and is now selling to the following customers among others located in Chicago, Illinois: E. J. Ewert & Company, Inc., Johnson Brothers Hardware Company, Clark Barlow Hardware Company, Rehm Hardware Company, Stebbins Hardware Company, United Hardware Company, Butler Brothers and Hibbard, Spencer, Bartlett & Company. Customers of respondent are all granted a 50% discount from a uniform price list. Two of respondent's largest customers, Hibbard, Spencer, Bartlett & Company and Butler Brothers, are granted a further allowance of 5% which their competitors do not receive.

PAR. 6. Hibbard, Spencer, Bartlett & Company are, in addition to the two preceding discounts, granted an allowance equal to the freight on their purchases from respondent. The aforesaid customers of respondent are competitively engaged among themselves in the jobbing of locks in the City of Chicago and elsewhere. Hibbard, Spencer, Bartlett & Company and Butler Brothers actively compete with those who do not receive freight allowances or the additional 5% discount referred to. Respondent represents that all padlock prices are quoted f. o. b. Milwaukee. By letter dated July 9, 1936, the respondent advised one of its jobbing customers in Chicago, namely W. D. Allen Manufacturing Company, as follows:

"This will acknowledge your debit memorandum of July 8th for \$1.49 covering freight on the June 29th shipment.

"We believe this memorandum was sent to us by mistake inasmuch as all Master Padlock prices are quoted f. o. b. Milwaukee, as you will recall, and we are therefore returning the debit to you with this letter, together with the freight bill."

PAR. 7. On January 8, 1938, respondent, in the course and conduct of its business as aforesaid, sold and shipped to Hibbard, Spencer, Bartlett & Company a bill of goods and granted discounts as indicated by the following invoice:

MASTER LOCK COMPANY

WORLD'S LARGEST EXCLUSIVE PADLOCK MANUFACTURERS

918-926 W. JUNEAU AVENUE.

MILWAUKEE, WIS. U. S. A., January 8, 1937.

Sold to HIBBARD, SPENCER, BARTLETT & COMPANY,
211 East North Water Street, Chicago, Illinois.

50 doz. No.	99 Greyhound Padlocks.....	\$3.00	\$150.00
20 "	105 Jewel Padlocks.....	4.20	84.00
6 "	510 Tirelocks.....	6.00	36.00
18 "	1400 Padlocks.....	6.00	108.00
50 "	500 Junior Padlocks.....	6.00	300.00
20 "	77 Jungle King Padlocks.....	6.00	120.00
20 "	7 Secret Service Padlocks.....	6.00	120.00
10 "	1 " " " " " " " " " " " "	12.00	120.00

20 "	3 Little Giant Padlocks.....	\$9.00	\$180.00
2 "	99K Flat Key Blanks.....	.10	.20
6 "	1K Key Blanks.....	.48	2.88
			1,221.08
	Less 50%.....		610.54
			610.54
	Less 5%.....		30.53
			\$580.01
	Less Freight.....		4.42
			\$575.59

PAR. 8. The said respondent, in the course and conduct of its business as aforesaid, has been and is now selling to the following customers among others located in New York City, New York: Worth Hardware Company, Inc., William L. Blumberg Company, Inc., Underhill-Clinch & Company, William Goldenblum & Company, Inc., Masbach Hardware Company and Butler Brothers New York branch. These customers are all competitively engaged with each other in the jobbing of locks. Respondent has been and is now selling to all customers at a uniform list price less 50% and additionally, its largest customer in New York City, Masbach Hardware Company, and Butler Brothers are allowed a further 5% discount on goods of like grade and quality, which 5% their competitors do not receive.

PAR. 9. The said respondent, in the course and conduct of its business as aforesaid, has been and is now selling padlocks to Shapleigh Hardware Company of St. Louis, Missouri. The said Shapleigh Hardware Company purchases padlocks from respondent at the uniform list price less 50% and an additional discount of 5% and an allowance equal to the freight charges from factory on its purchases from respondent. Respondent has been and is now likewise selling to numerous other customers located in St. Louis, Missouri and elsewhere, which customers are engaged in commerce in the jobbing of padlocks and in the course and conduct of such business are in direct active competition with the Shapleigh Hardware Company and do not receive freight allowances or the additional 5% discount heretofore referred to.

PAR. 10. The said respondent, in the course and conduct of its business as aforesaid, has been and is now selling to numerous customers competitively engaged in commerce with another of its large customers, namely Belknap Hardware & Manufacturing Company of Louisville, Kentucky. Such customers of respondent are engaged in the jobbing of padlocks in the City of Louisville and elsewhere and are in direct active competition in commerce with Belknap Hardware & Manufacturing Company and do not receive the additional allowance of 5% heretofore referred to. On May 21, 1937 respondent sold to and shipped for Belknap Hardware & Manufacturing Company to Thomasville, Georgia, a bill of goods and granted discounts as indicated by the following invoice:

MASTER LOCK COMPANY			
WORLD'S LARGEST EXCLUSIVE PADLOCK MANUFACTURERS			
918-926 W. JUNEAU AVENUE, MILWAUKEE, WIS., U. S. A.			
May 21, 1937.			
Sold to BELKNAP HDWE. & MFG. COMPANY,			
Louisville, Kentucky.			
3 only #1 Padlocks, keyed alike.....	\$12.00	\$3.00	
Less 50%.....		1.50	
			1.50
Shipped May 10 to:			1.50
W. L. Ball & Son, Thomasville, Georgia:			
Less 5%.....		.08	
			1.42
Parcel Post.....		.22	
			\$1.64

PAR. 11. Respondent in its sales in commerce, as aforesaid, generally pursues a policy of granting the additional 5% discount and freight allowance referred to above to customers whose cumulative annual purchases amount to in excess of \$10,000 a year. However, in connection with such policy, it grants and allows the 5% discount to Butler Brothers of Chicago, Illinois, which maintain branches in

Chicago, Illinois, Boston, Massachusetts, New York, New York, Minneapolis, Minnesota and San Francisco, California. No single branch purchases amount to \$10,000 during a year. Generally the individual jobbers named herein who do not receive the 5% purchase in an amount between \$3,000 and \$5,000 a year.

PAR. 12. The effect of the discriminations in price of 5% and freight allowances may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which the respondent is engaged and in the line of commerce in which its customers are engaged, or to injure, destroy or prevent competition with respondent or those customers of respondent receiving the benefit of such discrimination or with customers of either of them.

Wherefore, the premises considered, the Federal Trade Commission on this 22nd day of April, A. D. 1938, now issues this its complaint against said respondent.

NOTICE

Notice is hereby given you, Master Lock Company, respondent herein, that the 27th day of May, A. D. 1938, at 2:00 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violation of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided or failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further hearing or notice to respondent, to proceed in regular course on the charges set forth in the complaint, and to make, enter, issue, and serve upon respondent findings of fact and an order to cease and desist.

If respondent desires to waive hearing on the charges set forth in the complaint and not to contest the proceeding the answer may consist of a statement that respondent admits all the material allegations of the complaint to be true. Any such answer shall be deemed to waive a hearing thereon, and to authorize the Commission, without trial and without further evidence, or other intervening procedure, to make, enter, issue, and serve upon respondent:

(a) In cases arising under section 5 of the act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (the Federal Trade Commission Act, or under sections 2 and 3 of the act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act), or under section 2 of the aforesaid Clayton Act as amended by "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October 15, 1914, as

amended (U. S. C., title 15, Sec. 13), and for other purposes," approved June 19, 1936 (the Robinson-Patman Act), findings of fact and an order to cease and desist from the violations of law charged in the complaint;

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 22nd day of April, A. D. 1938.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1202; Filed, April 28, 1938; 9:24 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3128]

IN THE MATTER OF MERRILL CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 20, 1938, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1190; Filed, April 28, 1938; 9:21 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3166]

In the Matter of MUTUAL PRINTING, INC., A CORPORATION, IN ITS OWN NAME AND RIGHT, AND TRADING AS MUTUAL PRINTING COMPANY, INC., AND MUTUAL SALES PROMOTION SERVICE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

No. 84—2

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 13, 1938, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1191; Filed, April 28, 1938; 9:21 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3171]

IN THE MATTER OF EDWARD HARRIS & DOROTHY HARRIS, INDIVIDUALLY, AND AS CO-PARTNERS TRADING AS ACE BUSINESS BUILDERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 13, 1938, at nine o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1192; Filed, April 28, 1938; 9:21 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3178]

IN THE MATTER OF J. C. ROBERTSON, INDIVIDUALLY, AND TRADING AS NOVELTY DISTRIBUTING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1193; Filed, April 28, 1938; 9:22 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3179]

IN THE MATTER OF HYMAN MENDELS, INDIVIDUALLY, AND
TRADING AS J. J. HENDERSON

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at 9:00 A. M. in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1194; Filed, April 28, 1938; 9:22 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3245]

IN THE MATTER OF SIDNEY A. WEITZMAN, INDIVIDUALLY, AND
TRADING AS CERTIFIED SALES SERVICE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 10, 1938, at one-thirty o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1195; Filed, April 28, 1938; 9:22 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3251]

IN THE MATTER OF FRED W. HERRSCHNER, JR., INDIVIDUALLY,
AND TRADING AS 20TH CENTURY SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at 9:30 o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1196; Filed, April 28, 1938; 9:23 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3252]

IN THE MATTER OF MARTIN M. SLATON, INDIVIDUALLY, AND
TRADING AS ALLIED GIFT SHOP

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 19, 1938, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1197; Filed, April 28, 1938; 9:23 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3323]

IN THE MATTER OF ROY B. DAVIS, INDIVIDUALLY, AND TRADING AS GREAT LAKES NOVELTY COMPANY, AND GREAT LAKES RADIO AND NOVELTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at two o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1198; Filed, April 28, 1938; 9:23 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3326]

IN THE MATTER OF JOHN MILTON BREGSTONE, INDIVIDUALLY, AND TRADING AS J. M. BREGSTONE AND COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at one o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1199; Filed, April 28, 1938; 9:24 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayers, Robert E. Freer.

[Docket No. 3327]

IN THE MATTER OF CHARLES M. BREGSTONE, INDIVIDUALLY AND TRADING AS THE VELTROLA COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at one-thirty o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1200; Filed, April 28, 1938; 9:24 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3335]

IN THE MATTER OF CELIA SARASIN, INDIVIDUALLY, AND TRADING AS UNIVERSAL ADVERTISERS' SERVICE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 9, 1938, at ten-thirty o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[P. R. Doc. 38-1201; Filed, April 28, 1938; 9:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF RULE 9C-4

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly sections 9 (c) and 20 (a) thereof, and deeming such action necessary and appropriate, and not detrimental to the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby adopts a rule which shall be known as Rule 9C-4 and shall read as follows:

RULE 9C-4. Applications for approval of investment programs for current funds of registered holding companies or subsidiaries

(a) Any registered holding company or any subsidiary company thereof (hereinafter referred to as the acquirer), may use current funds to purchase for cash any security, if the Commission shall have entered an order pursuant to paragraph (e) of this rule approving an investment program providing for the purchase of such security, and if such acquisition conforms to the conditions specified in such order and in the subsequent paragraphs of this rule, Section 9 (a) of the Act shall not apply to any such acquisition.

(b) No security may be acquired pursuant to this rule unless an active market exists for such security other than one made by the acquirer, or by any person acting for the acquirer, or by any person controlling, controlled by, or under common control with the acquirer.

(c) No security may in any event be acquired pursuant to this rule if such security is:

(1) A security of which the issuer is an investment trust or an investment company; or

(2) A security of which the issuer is a holding company unless such issuer is also a public utility company and at least 50 percent of the aggregate gross revenues of the issuer and all subsidiaries of the issuer is derived from the operations of the issuer as a public utility company; or

(3) A security issued or assumed by the acquirer or by any predecessor of the acquirer or by a company which is, or will by virtue of such acquisition become an associate company, or an affiliate, of the acquirer.

Such order shall contain such limitations upon the duration of the exemption herein provided, and shall embody such other terms and conditions (including requirements as to reporting such acquisitions) as appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors or consumers, or to prevent the circumvention of any of the provisions of the Act or any rules, regulations or orders thereunder.

(d) An application for approval of an investment program under this rule shall comply with the provisions of Rule 2 as to number of copies, form and execution and shall also:

(1) State the source and amount of current funds which the acquirer seeks to qualify for the purposes of such investment program;

(2) Describe in detail the investment program, including any limitations as to the types of issuing companies and

securities, or as to the amount or percent of the total outstanding securities of any specified class to be acquired;

(3) If the proposed investment program may involve the purchase of:

(A) Any securities issued by any registered holding company or subsidiary company thereof, or any company as to which an application has been filed which the Commission has not acted upon, for an order declaring it not to be such a subsidiary company; or

(B) Any securities issued by any public utility company of which the acquirer owns, or upon completion of the proposed acquisition will own, more than 1 percent of the total outstanding voting securities;

specify the name of any such issuing company and the maximum amount of each class of securities which may be acquired; and

(4) State such further facts as will enable the Commission to find that the conditions specified in paragraph (e) hereof are satisfied.

(e) The Commission, after hearing on such application, will approve such investment program, or any part thereof, if the Commission finds that:

(1) The funds to be invested are not necessary or appropriate for working capital, for the retirement of indebtedness or of any outstanding securities of the acquirer, or for any other purpose pertinent to its business, having due regard to the course which the acquirer may be expected to pursue to comply with section 11 (b) of the Act or to cease to be a holding company; and

(2) The acquisition of such securities will not be detrimental to carrying out the provisions of section 11, will not tend towards interlocking relations or the concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers, or will be in any other respect detrimental to the public interest or the interest of investors or consumers.

(f) Any person making any acquisition pursuant to the provisions of this rule shall file a report within 30 days (or such earlier period as the Commission may in its order prescribe) after obtaining an order of the Commission pursuant to the provisions of this rule and every 30 days thereafter while such order is in effect. Such report shall specify all acquisitions and sales of securities by the acquirer subsequent to the last filing of an application or report pursuant to this rule, the cost or sale prices thereof, and indicate as to each such transaction the reason why applicant deems such transaction consistent with the provisions of the Act and the terms and conditions of any rule or order of the Commission, and such other matters as the Commission may in its order prescribe.

(g) If the Commission at any time shall find that any acquirer has violated, is violating, or is about to violate any provision of the Act or any rule or regulation thereunder, or any term or condition of an order pursuant to paragraph (d) of this rule, the Commission shall revoke such order. Pending any inquiry to determine whether any such order shall be revoked, the Commission may summarily suspend such order.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[P. R. Doc. 38-1213; Filed, April 28, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-2163]

IN THE MATTER OF CUSI MEXICANA MINING COMPANY COMMON STOCK, PAR VALUE FIFTY CENTS

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, Par Value Fifty Cents, of Cusi Mexicana Mining Company; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1219; Filed, April 28, 1938; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-1115]

IN THE MATTER OF THE DULUTH, SOUTH SHORE AND ATLANTIC RAILWAY COMPANY PREFERRED STOCK, \$100 PAR VALUE AND COMMON STOCK, \$100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Preferred Stock, \$100 Par Value and Common Stock, \$100 Par Value, of The Duluth, South Shore and Atlantic Railway Company; and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 16, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1214; Filed, April 28, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April, 1938.

[File No. 1-1509]

IN THE MATTER OF THE FAIRBANKS COMPANY COMMON STOCK, \$25 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and

¹ 3 F. R. 510 (DI).² 3 F. R. 557 (DI).

Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$25 Par Value, of The Fairbanks Company; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 16, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1215; Filed, April 28, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-2433]

IN THE MATTER OF FERROCARRILES NACIONALES DE MEXICO (NATIONAL RAILWAYS OF MEXICO) 4% NON-CUMULATIVE FIRST PREFERRED STOCK, \$100 PAR VALUE, AND 5% NON-CUMULATIVE SECOND PREFERRED STOCK, \$100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the 4% Non-Cumulative First Preferred Stock, \$100 Par Value, and the 5% Non-Cumulative Second Preferred Stock, \$100 Par Value, of Ferrocarriles Nacionales De Mexico (National Railways of Mexico); and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 16, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1216; Filed, April 28, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-276]

IN THE MATTER OF THE LEHIGH VALLEY COAL COMPANY FIVE-YEAR SECURED 6% NOTES, DUE JANUARY 1, 1938

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Five-Year Secured 6% Notes, due January 1, 1938, of The Lehigh Valley Coal Company; and

¹ 3 F. R. 557 (DI).² 3 F. R. 558 (DI).

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 16, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1217; Filed, April 28, 1938; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 26th day of April 1938.

[File No. 1-136]

IN THE MATTER OF MINNEAPOLIS-MOLINE POWER IMPLEMENT COMPANY CONVERTIBLE \$6.50 CUMULATIVE PREFERRED STOCK AND COMMON STOCK

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Minneapolis-Moline Power Implement Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to withdraw its Convertible \$6.50 Cumulative Preferred Stock and Common Stock from listing and registration on the Chicago Stock Exchange; and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1223; Filed, April 28, 1938; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-1165]

IN THE MATTER OF NEW YORK STEAM CORPORATION \$7.00 SERIES "A" CUMULATIVE PREFERRED STOCK, NO PAR VALUE, AND \$6.00 DIVIDEND SERIES CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the \$7.00 Series "A" Cumulative Preferred Stock, No Par Value, and \$6.00 Dividend Series Cumulative Preferred Stock, No Par Value, of New York Steam Corporation; and

After appropriate notice,³ a hearing having been held in this matter; and

¹ 3 F. R. 558 (DI).

² 3 F. R. 606 (DI).

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 16, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1218; Filed, April 28, 1938; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-865]

IN THE MATTER OF NICHOLAS-BEAZLEY AIRPLANE COMPANY, INC. COMMON STOCK, \$5 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$5 Par Value, of the Nicholas-Beazley Airplane Company, Inc.; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1221; Filed, April 28, 1938; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-1554]

IN THE MATTER OF RUTLAND RAILROAD COMPANY FIRST CONSOLIDATED MORTGAGE 4½% GOLD BONDS DUE JULY 1, 1941; AND RUTLAND-CANADIAN RAILROAD COMPANY FIRST MORTGAGE 4% GOLD BONDS DUE JULY 1, 1949

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Boston Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Rutland Railroad Company First Consolidated Mortgage 4½% Gold Bonds due July 1, 1941 and the Rutland-Canadian Railroad Company First Mortgage 4% Gold Bonds due July 1, 1949; and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and

¹ 3 F. R. 607 (DI).

having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1222; Filed, April 28, 1938; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April 1938.

[File No. 1-429]

IN THE MATTER OF STUTZ MOTOR CAR COMPANY OF AMERICA, INCORPORATED, CAPITAL STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Capital Stock, No Par Value, of Stutz Motor Car Company of America, Incorporated; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on May 6, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1220; Filed, April 28, 1938; 12:42 p. m.]

THE PANAMA CANAL

[Circular No. 731]

RULES GOVERNING CASH RELIEF FOR DISABLED EMPLOYEES ENTITLED TO BENEFITS OF ACT OF CONGRESS OF JULY 8, 1937

BALBOA HEIGHTS, C. Z., March 29, 1938.

1. Under the authority vested in the Governor of The Panama Canal by Executive Order of March 12, 1938 (No. 7837),² the following rules will govern in the administration of disability relief payments under the Act of Congress of July 8, 1937 (50 Stat. 478), effective immediately.

2. *Disability Relief Board.*—A Disability Relief Board consisting of the Comptroller as Chairman, the Executive Secretary, the Chief Health Officer, and the Chief Personnel Officer, is hereby established to act in an advisory capacity to the Governor on disability cases or other matters referred to it.

3. *Applications for Disability Relief.*—Payment of disability relief is, by the terms of the law, limited to employees disabled by age or disease for further useful work. All applications by employees or recommendations by heads of departments for disability relief for an employee will be forwarded to the Division of Personnel Administration on the form prescribed by the Governor. The application will be initiated by the employee or the head of his department. The application form will cover, in course of development, physical examination, and opinion of medical authorities, record of service, list of dependents, economic status and earning

power of the employee and of his family, photographs of applicant (front and side views) with identification of same by a responsible employee, recommendation of the head of employee's department based on the employee's physical condition and the possibility of his further service in useful work, and recommendation of the Disability Relief Board to the Governor. Where the applicant lives in the Canal Zone or vicinity, the investigation of economic status and family conditions will include a visit at applicant's home by an inspector who will personally see and question the applicant and members of his family.

4. Former employees whose services have been terminated due to disability since July 8, 1934, and who come within the provisions of the Act of July 8, 1937, may make application for disability pay to the Division of Personnel Administration and in such cases the report will be developed as prescribed in paragraph 3. The Division of Personnel Administration will complete the prescribed form in so far as practicable, including the report on the applicant's economic status, to be made, if practicable, when the applicant is not a resident of the Isthmus, by a consular representative of the United States Government.

5. Physical examinations of applicants shall be made by District Physicians or other medical officers acceptable to the Chief Health Officer, and their findings shall be reviewed by the Chief Health Officer before transmittal to the Division of Personnel Administration. When the physical examination is made, the examining officer will check identification from the photographs of applicant.

6. When the applicant appears to be entitled to relief, the Disability Relief Board will recommend to the Governor the amount of monthly cash relief which the applicant should be paid as indicated by the employee's years of service and the conditions affecting his need.

7. *Rate of Payment.*—The basis for arriving at the amount of payments will be as follows:

(a) Monthly cash relief shall be computed at \$1.00 per month per year of allowable service as determined by these regulations, (not to exceed \$25.00 per month), subject to reduction if the economic status of the beneficiary does not warrant the maximum cash relief allowable.

(b) If, subsequently, acceptable evidence of additional service should be presented, or the economic status of the beneficiary should change substantially, change may be made in the amount of disability relief pay.

8. *Computation of service* for establishing years of allowable service will be governed by the following rules:

(a) A year of service will consist of 12 months of service computed as hereinafter provided.

(b) A month of service will be credited for each calendar month in which the employee served a minimum of 15 days, 100 hours, or for deckhands, 7½ Canal trips, or performed service at task rates amounting to a minimum of \$22.50. (Service performed by inmates of Corozal Hospital or Farm or Palo Seco Leper Colony will not be counted.)

(c) If total service in any calendar month is less than that stated in paragraph (b) above, such periods may be added to those in any subsequent month or months in which service also is less than stated in paragraph (b) above, until the total equals or exceeds the service required to credit a month, when one month will be credited for such fractions.

(d) Service rendered within one calendar month will in no case be credited as more than one month.

(e) Recorded absences on account of sickness, authorized leave of absence, or furloughs of 30 days or less, will be credited as service.

(f) Other absences will not be credited as service, except that in tracing service of persons whose service has been approximately continuous for a year or more, absences or breaks of service of 30 days or less will be counted as continuous service.

(g) In tracing service where records are incomplete, or the employee has used different names or different check numbers, not identifiable as belonging to the applicant, the

¹ 3 F. R. 607 (DI).

² 3 F. R. 667 (DI).

burden of proof of service will rest on the employee and credit may be allowed only on the basis of records or other proofs satisfactory to the Governor.

9. *Payments, how made.*—Monthly cash payments for beneficiaries residing in the Canal Zone or vicinity thereof will be made by the Paymaster at his offices at Balboa Heights or Cristobal. Beneficiaries who reside elsewhere or are unable to appear in person will be required to submit a claim on a prescribed form which must be signed before a public officer of the United States or of the country in which they reside and must be received in the Comptroller's Office before payment is forwarded by the Paymaster.

10. Payment of cash relief shall be made by calendar months, the initial month to be fixed by the Disability Relief Board subject to the Governor's approval and the legal limitations of the Act.

11. *Designation of payee upon death of beneficiary.*—An applicant for cash relief shall be required to designate a person to whom shall be paid any amount which may be due to the applicant at the time of his death, under the Act of July 8, 1937. The designation of such person is to be approved by the Governor. The applicant for disability relief may subsequently, either before or after becoming a beneficiary of the Act of July 8, 1937, request a change in the person designated to receive any unpaid amounts due the beneficiary at the time of his death, subject to the approval of the Governor.

12. *Employees with Cases Pending.*—Employees in service who are recommended for disability relief by the heads of their departments will be continued in service at their usual rates of pay, if able to perform some work, pending final action on their cases. The present authorized rates of \$15.00 to \$35.00 per month for superannuated employees are continued in effect, however, for application under the following condition:

(a) If the employee's ability to render service is less than normally required for his job, and if the physical examination does not show that he is disabled by age or disease, his employment may be continued if needed and his pay reduced to a lower rate or to one of the superannuated rates, only in case there is assurance that he will give necessary service commensurate with his pay.

13. The above regulations applying to Panama Canal employees will apply hereafter also to Panama Railroad employees.

C. S. RIDLEY,
Governor, The Panama Canal,
President, Panama Railroad Company.

Confirmed:

H. A. A. SMITH,
Chief of Office.

[F. R. Doc. 38-1203; Filed, April 28, 1938; 9:39 a. m.]